

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1346

Introduced by Hartnett, 45

Read first time January 19, 2000

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-123.04, 53-124, 53-124.12, and 53-124.14,
3 Reissue Revised Statutes of Nebraska, section 53-122,
4 Revised Statutes Supplement, 1998, and sections 53-103,
5 53-131, and 53-134, Revised Statutes Supplement, 1999; to
6 provide for Class D-1 licenses; to redefine a term; to
7 harmonize provisions; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-103, Revised Statutes Supplement,
2 1999, is amended to read:

3 53-103. For purposes of the Nebraska Liquor Control Act,
4 unless the context otherwise requires:

5 (1) Alcohol means the product of distillation of any
6 fermented liquid, whether rectified or diluted, whatever the origin
7 thereof, and includes synthetic ethyl alcohol. Alcohol does not
8 include denatured alcohol or wood alcohol;

9 (2) Spirits means any beverage which contains alcohol
10 obtained by distillation, mixed with water or other substance in
11 solution, and includes brandy, rum, whiskey, gin, or other
12 spirituous liquors and such liquors when rectified, blended, or
13 otherwise mixed with alcohol or other substances;

14 (3) Wine means any alcoholic beverage obtained by the
15 fermentation of the natural contents of fruits or vegetables,
16 containing sugar, including such beverages when fortified by the
17 addition of alcohol or spirits;

18 (4) Beer means a beverage obtained by alcoholic
19 fermentation of an infusion or concoction of barley or other grain,
20 malt, and hops in water and includes, but is not limited to, beer,
21 ale, stout, lager beer, porter, and near beer;

22 (5) Alcoholic liquor includes alcohol, spirits, wine,
23 beer, and any liquid or solid, patented or not, containing alcohol,
24 spirits, wine, or beer and capable of being consumed as a beverage
25 by a human being. Alcoholic liquor also includes confections or
26 candy with alcohol content of more than one-half of one percent
27 alcohol. The act does not apply to (a) alcohol used in the
28 manufacture of denatured alcohol produced in accordance with acts

1 of Congress and regulations adopted and promulgated pursuant to
2 such acts, (b) flavoring extracts, syrups, medicinal, mechanical,
3 scientific, culinary, or toilet preparations, or food products
4 unfit for beverage purposes, but the act applies to alcoholic
5 liquor used in the manufacture, preparation, or compounding of such
6 products or confections or candy that contains more than one-half
7 of one percent alcohol, or (c) wine intended for use and used by
8 any church or religious organization for sacramental purposes;

9 (6) Near beer means beer containing less than one-half of
10 one percent of alcohol by volume;

11 (7) Original package means any bottle, flask, jug, can,
12 cask, barrel, keg, hogshead, or other receptacle or container used,
13 corked or capped, sealed, and labeled by the manufacturer of
14 alcoholic liquor to contain and to convey any alcoholic liquor;

15 (8) Manufacturer means every brewer, fermenter,
16 distiller, rectifier, winemaker, blender, processor, bottler, or
17 person who fills or refills an original package and others engaged
18 in brewing, fermenting, distilling, rectifying, or bottling
19 alcoholic liquor, including a wholly owned affiliate or duly
20 authorized agent for a manufacturer;

21 (9) Nonbeverage user means every manufacturer of any of
22 the products set forth and described in subsection (4) of section
23 53-160, when such product contains alcoholic liquor, and all
24 laboratories, hospitals, and sanatoria using alcoholic liquor for
25 nonbeverage purposes;

26 (10) Manufacture means to distill, rectify, ferment,
27 brew, make, mix, concoct, process, blend, bottle, or fill an
28 original package with any alcoholic liquor and includes blending

1 but does not include the mixing or other preparation of drinks for
2 serving by those persons authorized and permitted in the act to
3 serve drinks for consumption on the premises where sold;

4 (11) Wholesaler means a person importing or causing to be
5 imported into the state or purchasing or causing to be purchased
6 within the state alcoholic liquor for sale or resale to retailers
7 licensed under the act, whether the business of the wholesaler is
8 conducted under the terms of a franchise or any other form of an
9 agreement with a manufacturer or manufacturers, or who has caused
10 alcoholic liquor to be imported into the state or purchased in the
11 state from a manufacturer or manufacturers and was licensed to
12 conduct such a business by the commission on May 1, 1970, or has
13 been so licensed since that date. Wholesaler does not include any
14 retailer licensed to sell alcoholic liquor for consumption off the
15 premises who sells alcoholic liquor other than beer or wine to
16 another retailer pursuant to section 53-175, except that any such
17 retailer shall obtain the required federal wholesaler's basic
18 permit and federal wholesale liquor dealer's special tax stamp.
19 Wholesaler includes a distributor, distributorship, and jobber;

20 (12) Person means any natural person, trustee,
21 corporation, partnership, or limited liability company;

22 (13) Retailer means a person who sells or offers for sale
23 alcoholic liquor for use or consumption and not for resale in any
24 form except as provided in section 53-175;

25 (14) Sell at retail and sale at retail means sale for use
26 or consumption and not for resale in any form except as provided in
27 section 53-175;

28 (15) Commission means the Nebraska Liquor Control

1 Commission;

2 (16) Sale means any transfer, exchange, or barter in any
3 manner or by any means for a consideration and includes any sale
4 made by any person, whether principal, proprietor, agent, servant,
5 or employee;

6 (17) To sell means to solicit or receive an order for, to
7 keep or expose for sale, or to keep with intent to sell;

8 (18) Restaurant means any public place (a) which is kept,
9 used, maintained, advertised, and held out to the public as a place
10 where meals are served and where meals are actually and regularly
11 served, (b) which has no sleeping accommodations, and (c) which has
12 adequate and sanitary kitchen and dining room equipment and
13 capacity and a sufficient number and kind of employees to prepare,
14 cook, and serve suitable food for its guests;

15 (19) Club means a corporation (a) which is organized
16 under the laws of this state, not for pecuniary profit, solely for
17 the promotion of some common object other than the sale or
18 consumption of alcoholic liquor, (b) which is kept, used, and
19 maintained by its members through the payment of annual dues, (c)
20 which owns, hires, or leases a building or space in a building
21 suitable and adequate for the reasonable and comfortable use and
22 accommodation of its members and their guests, and (d) which has
23 suitable and adequate kitchen and dining room space and equipment
24 and a sufficient number of servants and employees for cooking,
25 preparing, and serving food and meals for its members and their
26 guests. The affairs and management of such club shall be conducted
27 by a board of directors, executive committee, or similar body
28 chosen by the members at their annual meeting, and no member,

1 officer, agent, or employee of the club shall be paid or shall
2 directly or indirectly receive, in the form of salary or other
3 compensation, any profits from the distribution or sale of
4 alcoholic liquor to the club or the members of the club or its
5 guests introduced by members other than any salary fixed and voted
6 at any annual meeting by the members or by the governing body of
7 the club out of the general revenue of the club;

8 (20) Hotel means any building or other structure (a)
9 which is kept, used, maintained, advertised, and held out to the
10 public to be a place where food is actually served and consumed and
11 sleeping accommodations are offered for adequate pay to travelers
12 and guests, whether transient, permanent, or residential, (b) in
13 which twenty-five or more rooms are used for the sleeping
14 accommodations of such guests, and (c) which has one or more public
15 dining rooms where meals are served to such guests, such sleeping
16 accommodations and dining rooms being conducted in the same
17 buildings in connection therewith and such building or buildings or
18 structure or structures being provided with adequate and sanitary
19 kitchen and dining room equipment and capacity;

20 (21) Nonprofit corporation means any corporation
21 organized under the laws of this state, not for profit, which has
22 been exempted from the payment of federal income taxes;

23 (22) Bottle club means an operation, whether formally
24 organized as a club having a regular membership list, dues,
25 officers, and meetings or not, keeping and maintaining premises
26 where persons who have made their own purchases of alcoholic liquor
27 congregate for the express purpose of consuming such alcoholic
28 liquor upon the payment of a fee or other consideration, including

1 among other services the sale of food, ice, mixes, or other fluids
2 for alcoholic drinks and the maintenance of space for the storage
3 of alcoholic liquor belonging to such persons and facilities for
4 the dispensing of such liquor through a locker system, card system,
5 or pool system, which shall not be deemed or considered a sale of
6 alcoholic liquor. Such operation may be conducted by a club, an
7 individual, a partnership, a limited liability company, or a
8 corporation. An accurate and current membership list shall be
9 maintained upon the premises which contains the names and
10 residences of its members. This section does not prohibit the sale
11 of alcoholic liquor for consumption on the premises to any person
12 who is not a current member of such bottle club;

13 (23) Minor means any person, male or female, under
14 twenty-one years of age, regardless of marital status;

15 (24) Brand means alcoholic liquor identified as the
16 product of a specific manufacturer;

17 (25) Franchise or agreement, with reference to the
18 relationship between a manufacturer and wholesaler, includes one or
19 more of the following: (a) A commercial relationship of a definite
20 duration or continuing indefinite duration which is not required to
21 be in writing; (b) a relationship by which the wholesaler is
22 granted the right to offer and sell the manufacturer's brands by
23 the manufacturer; (c) a relationship by which the franchise, as an
24 independent business, constitutes a component of the manufacturer's
25 distribution system; (d) a relationship by which the operation of
26 the wholesaler's business is substantially associated with the
27 manufacturer's brand, advertising, or other commercial symbol
28 designating the manufacturer; and (e) a relationship by which the

1 operation of the wholesaler's business is substantially reliant on
2 the manufacturer for the continued supply of beer;

3 (26) Territory or sales territory means the wholesaler's
4 area of sales responsibility for the brand or brands of the
5 manufacturer;

6 (27) Suspend means to cause a temporary interruption of
7 all rights and privileges of a license;

8 (28) Cancel means to discontinue all rights and
9 privileges of a license;

10 (29) Revoke means to permanently void and recall all
11 rights and privileges of a license;

12 (30) Generic label means a label which is not protected
13 by a registered trademark, either in whole or in part, or to which
14 no person has acquired a right pursuant to state or federal
15 statutory or common law;

16 (31) Private label means a label which the purchasing
17 wholesaler, retailer, or bottle club licensee has protected, in
18 whole or in part, by a trademark registration or which the
19 purchasing wholesaler, retailer, or bottle club licensee has
20 otherwise protected pursuant to state or federal statutory or
21 common law;

22 (32) Farm winery means any enterprise which produces and
23 sells wines produced from grapes, other fruit, or other suitable
24 agricultural products of which at least seventy-five percent is
25 grown in this state;

26 (33) Campus, as it pertains to the southern boundary of
27 the main campus of the University of Nebraska-Lincoln, means the
28 south right-of-way line of R Street and abandoned R Street from

1 10th to 17th streets;

2 (34) Brewpub means any restaurant or hotel which produces
3 on its premises a maximum of ten thousand barrels of beer per year;

4 (35) Manager means a person appointed by a corporation to
5 oversee the daily operation of the business licensed in Nebraska.
6 A manager shall meet all the requirements of the act as though he
7 or she were the applicant, except for residency and citizenship;

8 (36) Shipping license means a license granted pursuant to
9 section 53-123.15;

10 (37) Sampling means consumption on the premises of a
11 retail licensee of not more than five samples of one fluid ounce or
12 less of alcoholic liquor by the same person in a twenty-four-hour
13 period;

14 (38) Microbrewery means any small brewery producing a
15 maximum of ten thousand barrels of beer per year;

16 (39) Craft brewery means a brewpub or a microbrewery; and

17 (40) Local governing body means (a) the city council or
18 village board of trustees of a city or village within which the
19 licensed premises are located, (b) in the case of a Class D-1
20 license, the city council or village board of trustees of the city
21 or incorporated village outside whose corporate limits but within
22 whose extraterritorial zoning jurisdiction the licensed premises is
23 located, or, (c) if ~~such~~ licensed premises are not licensed
24 pursuant to a Class D-1 license and are not within the corporate
25 limits of a city or village, the county board of the county within
26 which the licensed premises are located.

27 Sec. 2. Section 53-122, Revised Statutes Supplement,
28 1998, is amended to read:

1 53-122. (1) The commission may issue licenses for the
2 sale of alcoholic liquor, except beer, by the drink subject to all
3 the terms and conditions of the Nebraska Liquor Control Act in all
4 cities and villages in this state, except in those cases when it
5 affirmatively appears that the issuance will render null and void
6 prior conveyances of land to such city or village for public uses
7 and purposes by purchase, gift, or devise, under the conditions and
8 in the manner provided in this section.

9 (2) If (a) a sufficient petition is signed by the
10 registered voters of any such city or village of such number as
11 equals twenty percent of the votes cast at the last general
12 election held in such city or village, which petition requests that
13 the question of licensing the sale of alcoholic liquor, except
14 beer, by the drink in the city or village be submitted to the
15 registered voters of the city or village at a special election to
16 be called for that purpose and (b) such petition is presented to
17 the clerk of the city or village, the clerk shall cause to be
18 published one time in a legal newspaper published in or of general
19 circulation in the city or village a notice of a special election
20 to be held not less than ten days nor more than twenty days after
21 the date of such publication. The notice shall state the
22 proposition to be submitted at such special election.

23 (3) The question of licensing the sale of alcoholic
24 liquor either by the drink or in the original package, or both by
25 the drink and in the original package, may also be submitted at any
26 general municipal election, except as otherwise provided in section
27 53-121, in any city or village in this state subject to the
28 following:

1 (a) Upon the filing with the clerk of the city or village
2 of a petition signed by registered voters of the city or village in
3 a number equal to twenty percent of the votes cast at the last
4 general election held in the city or village, such proposition or
5 propositions shall be submitted;

6 (b) Each petition shall conform to the requirements of
7 section 32-628;

8 (c) At the top of each sheet shall be stated the
9 proposition or propositions to be submitted and the date of the
10 general municipal election at which it is proposed to be submitted;

11 (d) No signature on the petition shall be valid unless
12 appended to the petition within the last ninety days prior to the
13 date of filing the petition with the clerk of the city or village;
14 and

15 (e) The petition shall be filed thirty days prior to the
16 day of the general municipal election at which the proposition is
17 to be submitted, and during such thirty-day period no signature
18 shall be withdrawn and no signature shall be added.

19 (4) Any person who signs any proposal or petition
20 contemplated under this section knowing that he or she is not a
21 registered voter in the place where such proposal or petition is
22 made, who signs any name other than his or her own to such proposal
23 or petition, or who aids or abets any other person in doing any of
24 the acts mentioned is guilty of a Class I misdemeanor. Any person
25 who bribes or gives or pays any money or thing of value to any
26 person directly or indirectly to induce him or her to sign such
27 proposal or petition, who accepts money for signing such proposal
28 or petition, or who aids or abets any other person in doing any of

1 such acts is guilty of a Class IV felony.

2 (5) Upon the ballot either at the special election or at
3 any general municipal election, the proposition or propositions
4 shall be stated as follows:

5 Shall the sale of alcoholic liquor, except beer, by the
6 drink be licensed in (here insert the name of the city or village)?

7 For license to sell by drink.

8 Against license to sell by drink.

9 Shall the sale of alcoholic liquor, except beer, by the
10 package be licensed in (here insert the name of the city or
11 village)?

12 For license to sell by the package.

13 Against license to sell by the package.

14 The provisions of the Election Act relating to election
15 officers, voting places, election apparatus and blanks, preparation
16 and form of ballots, information to voters, delivery of ballots,
17 calling of elections, conduct of elections, manner of voting,
18 counting of votes, records and certificates of elections, and
19 recounts of votes, so far as applicable, shall apply to voting on
20 the proposition or propositions under the Nebraska Liquor Control
21 Act, and a majority vote of those voting on the question shall be
22 mandatory upon the commission.

23 (6) If the question is to be submitted at a statewide
24 primary or general election, the petitions shall be filed with the
25 clerk of the city or village not less than sixty days prior to the
26 election. The provisions for the required number of signers and
27 the form of petition shall be the same as for a special election.
28 The clerk of the city or village shall verify the signatures on the

1 petitions with the voter registration records in the office of the
2 county clerk or election commissioner. During the ten-day period
3 while the petitions are being checked, no signatures shall be
4 withdrawn and no signatures shall be added.

5 If the clerk of the city or village finds the petitions
6 to be valid, he or she shall, not less than fifty days prior to the
7 statewide primary or general election, give notice in writing to
8 the county clerk or election commissioner that the question is to
9 be submitted at the time of the statewide primary or general
10 election. The election notices, issuing of the official ballots on
11 election day, issuing of the official absentee ballots, and
12 counting and canvassing of the ballots shall be conducted by the
13 county clerk or election commissioner as provided in the Election
14 Act and the official results certified to the clerk of the city or
15 village.

16 (7) An election may not be held in the same city or
17 village under this section more often than once every twenty-three
18 months. Subdivisions ~~(5)(g)~~ (5)(h) and (9) of section 53-124 are
19 not subject to this section.

20 Sec. 3. Section 53-123.04, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 53-123.04. (1) A retail license shall allow the licensee
23 to sell and offer for sale at retail either in the original package
24 or otherwise, as prescribed in the license, on the premises
25 specified in the license or on the premises where catering is
26 occurring, alcoholic liquor or beer for use or consumption but not
27 for resale in any form except as provided in section 53-175, except
28 that in all counties a holder of a bottle club license shall be

1 authorized to sell alcoholic liquor for consumption on the premises
2 without complying with that part of subdivision (22) of section
3 53-103 pertaining to membership and maintaining membership lists.

4 (2) Nothing in the Nebraska Liquor Control Act shall
5 prohibit a holder of a Class D, Class D-1, or Class K license from
6 allowing the sampling of tax-paid wine for consumption on the
7 premises by such licensee or his or her employees in cooperation
8 with a licensed wholesaler in the manner prescribed by the
9 commission.

10 Sec. 4. Section 53-124, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 53-124. At the time application is made to the
13 commission for a license of any type, the applicant shall pay the
14 fee provided in this section and, if the applicant is an
15 individual, provide the applicant's social security number. The
16 fees for annual licenses finally issued by the commission shall be
17 as follows:

18 (1) For a license to manufacture alcohol and
19 spirits \$1,000.00;

20 (2) For a license to manufacture beer and wine or to
21 operate a farm winery or craft brewery:

22 (a) Manufacture of beer, excluding beer produced by a
23 craft brewery:

24 (i) 1 to 100 barrel daily capacity,
25 or any part thereof \$100.00

26 (ii) 100 to 150 barrel daily
27 capacity 200.00

28 (iii) 150 to 200 barrel daily

1	capacity	350.00
2	(iv) 200 to 300 barrel daily	
3	capacity	500.00
4	(v) 300 to 400 barrel daily	
5	capacity	650.00
6	(vi) 400 to 500 barrel daily	
7	capacity	700.00
8	(vii) 500 barrel daily capacity,	
9	or more	800.00;
10	(b) Operation of a craft brewery	\$250.00;
11	(c) Manufacture of wines	\$250.00;
12	(d) Operation of a farm winery	\$250.00.

13 For purposes of subdivision (2)(a) of this section, daily capacity
 14 shall mean the average daily barrel production for the previous
 15 twelve months of manufacturing operation. If no such basis for
 16 comparison exists, the manufacturing licensee shall pay in advance
 17 for the first year's operation a fee of five hundred dollars;

18 (3) Alcoholic liquor wholesale license, for the first and
 19 each additional wholesale place of business operated in this state
 20 by the same licensee and wholesaling alcoholic liquor, except beer
 21 and wines produced from farm wineries \$500.00;

22 (4) Beer wholesale license, for the first and each
 23 additional wholesale place of business operated in this state by
 24 the same licensee and wholesaling beer only \$250.00;

25 (5) For a retail license:

26 (a) Class A: Beer only except for craft breweries, inside
 27 the corporate limits of cities and villages, for consumption on the
 28 premises, the sum of ten dollars in villages having a population of

1 five hundred inhabitants or less; twenty-five dollars in villages
2 or cities having a population of more than five hundred inhabitants
3 and not more than twenty-five hundred inhabitants; fifty dollars in
4 cities having a population of more than twenty-five hundred
5 inhabitants and less than ten thousand inhabitants; and one hundred
6 dollars in cities having a population of ten thousand inhabitants
7 or more;

8 (b) Class B: Beer only except for craft breweries, for
9 consumption off the premises, sales in the original packages only,
10 the sum of twenty-five dollars;

11 (c) Class C: Alcoholic liquor inside the corporate limits
12 of cities and villages, for consumption on the premises and off the
13 premises, sales in original packages only, the sum of two hundred
14 fifty dollars, except for farm winery or craft brewery sales
15 outlets. If a Class C license is held by a nonprofit corporation,
16 it shall be restricted to consumption on the premises only. A
17 Class C license may have a sampling designation restricting
18 consumption on the premises to sampling, but such designation shall
19 not affect sales for consumption off the premises under such
20 license;

21 (d) Class D: Alcoholic liquor, including beer, inside the
22 corporate limits of cities and villages, for consumption off the
23 premises, sales in the original packages only, except as provided
24 in subsection (2) of section 53-123.04, the sum of one hundred
25 fifty dollars, except for farm winery or craft brewery sales
26 outlets;

27 (e) Class D-1: Alcoholic liquor, including beer, outside
28 the corporate limits but within the extraterritorial zoning

1 jurisdiction of cities and incorporated villages, for consumption
2 off the premises, sales in the original packages only, except as
3 provided in subsection (2) of section 53-123.04, the sum of one
4 hundred fifty dollars, except for farm winery or craft brewery
5 sales outlets;

6 (f) Class E: Alcoholic liquor outside the corporate
7 limits of cities and villages in any county in which there is no
8 incorporated city or village or in which the county seat is not
9 located in an incorporated city or village, for consumption off the
10 premises, sales in the original packages only, not less than one
11 hundred fifty dollars for each license, except for farm winery or
12 craft brewery sales outlets;

13 (g) ~~(f)~~ Class F: Beer only except for craft breweries,
14 outside the corporate limits of cities and villages, for
15 consumption on the premises, not less than twenty-five dollars for
16 each license, the precise amount in each case to be such sum as
17 equals the amount of license fee fixed in this section plus the
18 occupation tax fixed by ordinance, if any, in the nearest
19 incorporated city or village in the same county;

20 (h) ~~(g)~~ Class H: Alcoholic liquor, including beer, issued
21 to a nonprofit corporation, for consumption on the premises:

22 (i) Inside the corporate limits of cities and villages,
23 regardless of alcoholic content, the sum of twenty dollars in
24 villages having a population of five hundred inhabitants or less;
25 fifty dollars in villages or cities having a population of more
26 than five hundred inhabitants and not more than twenty-five hundred
27 inhabitants; one hundred dollars in cities having a population of
28 more than twenty-five hundred inhabitants and less than ten

1 thousand inhabitants; and two hundred dollars in cities having a
2 population of ten thousand inhabitants or more; and

3 (ii) Outside the corporate limits of cities and villages,
4 not less than two hundred fifty dollars for each license, the
5 precise amount in each case to be such sum as equals the amount of
6 license fee fixed in this section plus the occupation tax fixed by
7 ordinance, if any, in the nearest incorporated city or village in
8 the same county. If the incorporated city or village does not have
9 an occupation tax for nonprofit corporation licenses, then the
10 licensee shall pay an amount equal to a Class C license occupation
11 tax for such city or village.

12 A Class H license shall not be issued to any corporation
13 authorized by law to receive a Class C license unless the nonprofit
14 corporation is open for sale of alcoholic liquor, including beer,
15 for consumption on the premises not more than two days in any week;

16 (i) ~~(h)~~ Class I: Alcoholic liquor, inside the corporate
17 limits of cities and villages, for consumption on the premises, the
18 sum of two hundred dollars, except for farm winery or craft brewery
19 sales outlets;

20 (j) ~~(i)~~ Class J: Beer and wine only except for craft
21 breweries, inside the corporate limits of cities and villages, for
22 consumption on the premises of restaurants only, the sum of fifty
23 dollars in villages having a population of five hundred inhabitants
24 or less; seventy-five dollars in villages or cities having a
25 population of more than five hundred inhabitants and not more than
26 twenty-five hundred inhabitants; one hundred twenty-five dollars in
27 cities having a population of more than twenty-five hundred
28 inhabitants and less than ten thousand inhabitants; and two hundred

1 twenty-five dollars in cities having a population of ten thousand
 2 inhabitants or more; and

3 (k) ~~(j)~~ Class K: Wine only, for consumption off the
 4 premises, sales in original packages only, except as provided in
 5 subsection (2) of section 53-123.04, the sum of one hundred
 6 twenty-five dollars.

7 All applicable license fees shall be paid by the
 8 applicant or licensee directly to the city or village treasurer in
 9 the case of premises located inside the corporate limits of a city
 10 or village and directly to the county treasurer in the case of
 11 premises located outside the corporate limits of a city or village,
 12 except that the fee for a Class D or Class D-1 license shall be
 13 paid directly to the commission;

14 (6) For a railroad license \$100.00
 15 and \$1.00 for each duplicate;

16 (7) For a boat license \$50.00;

17 (8) For a nonbeverage user's license:

18 Class 1 \$ 5.00

19 Class 2 25.00

20 Class 3 50.00

21 Class 4 100.00

22 Class 5 250.00;

23 (9) For a bottle club license, two hundred fifty dollars
 24 in any county having a population of less than five thousand five
 25 hundred inhabitants and five hundred dollars in any county having a
 26 population of five thousand five hundred inhabitants or more. No
 27 such license shall be issued within the corporate limits of any
 28 city or village when a license as provided in subdivision (5)(c) of

1 this section has been issued in such city or village. The
2 applicable fee shall be paid by the applicant or licensee directly
3 to the city or village treasurer in the case of a bottle club
4 license within the corporate limits of a city or village and
5 directly to the county treasurer in the case of a bottle club
6 license outside the limits of any city or village;

7 (10) For an airline license \$100.00
8 and \$1.00 for each duplicate; and

9 (11) For a shipping license \$200.00.

10 The license year, unless otherwise provided in the
11 Nebraska Liquor Control Act, shall commence on May 1 of each year
12 and shall end on the following April 30, except that the license
13 year for a Class C license shall commence on November 1 of each
14 year and shall end on the following October 31. During the license
15 year, no license shall be issued for a sum less than the amount of
16 the annual license fee as fixed in this section, regardless of the
17 time when the application for such license has been made.

18 Sec. 5. Section 53-124.12, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 53-124.12. (1) The holder of a Class C, Class D, Class
21 D-1, or Class I license issued under subdivision (5) of section
22 53-124 or a craft brewery license may obtain an annual catering
23 license as prescribed in this section. The catering license shall
24 be issued for the same period and may be renewed in the same manner
25 as the Class C, Class D, Class D-1, or Class I license or craft
26 brewery license.

27 (2) Any person desiring to obtain a catering license
28 shall file with the commission:

1 (a) An application in triplicate original upon such forms
2 as the commission prescribes; and

3 (b) A license fee of seventy-five dollars payable to the
4 commission, which fee shall be returned to the applicant if the
5 application is denied.

6 (3) When an application for a catering license is filed,
7 the commission shall notify, by registered or certified mail,
8 return receipt requested with postage prepaid, (a) the clerk of the
9 city or incorporated village in which such applicant is located,
10 (b) if the applicant is the holder of a Class D-1 license, the
11 clerk of the city or incorporated village outside of whose
12 corporate limits but within whose extraterritorial zoning
13 jurisdiction the applicant is located, or, (c) if the applicant is
14 not the holder of a Class D-1 license and is not located within a
15 city or incorporated village, the county clerk of the county in
16 which such applicant is located of the receipt of the application.
17 The commission shall enclose with such notice one copy of the
18 application. The local governing body and the commission shall
19 process the application in the same manner as provided in section
20 53-132.

21 (4) The local governing body with respect to catering
22 licensees within its ~~corporate limits~~ liquor license jurisdiction
23 as provided in subsection (5) of this section may cancel a catering
24 license for cause for the remainder of the period for which such
25 catering license is issued. Any person whose catering license is
26 canceled may appeal to the district court of the county in which
27 the local governing body is located.

28 (5) For purposes of this section, local governing body

1 ~~shall mean~~ means (a) the governing body of the city or village in
2 which the catering licensee is located, (b) if the licensee has a
3 Class D-1 license, the governing body of the city or incorporated
4 village within whose zoning jurisdiction the licensee is located,
5 or, (c) if such licensee is not the holder of a Class D-1 license
6 and is not located within a city or village, the governing body of
7 the county in which such licensee is located.

8 (6) The city, village, or county in which the catering
9 licensee is located may impose an occupation tax on the business of
10 any person, firm, or corporation receiving a catering license
11 pursuant to this section and doing business within such city,
12 village, or county. Such tax may not exceed double the license fee
13 to be paid under this section.

14 Sec. 6. Section 53-124.14, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 53-124.14. (1) The commission may license the sale of
17 alcoholic liquor at retail in the original package to applicants
18 who reside in any county in which there is no incorporated city or
19 village or in which the county seat is not located in an
20 incorporated city or village if the licensed premises are situated
21 in an unincorporated village having a population of twenty-five
22 inhabitants or more.

23 (2) The commission may license the sale of beer at retail
24 in any county outside the corporate limits of any city or village
25 therein and license the sale of alcoholic liquor at retail for
26 consumption on the premises and off the premises, sales in the
27 original package only.

28 (3) The commission may license the sale of alcoholic

1 liquor for consumption on the premises as provided in subdivision
2 (5)(c) of section 53-124 on lands controlled by airport authorities
3 when such land is located on and under county jurisdiction or by
4 the State Board of Agriculture.

5 (4) The commission may license the sale at retail of
6 alcoholic liquor, including beer, in the original package only,
7 except as provided in subsection (2) of section 53-123.04, to
8 applicants who are located outside the corporate limits but within
9 the extraterritorial zoning jurisdiction of cities or incorporated
10 villages.

11 (5) This section shall not be construed to limit the
12 commission in the issuance of licenses described in subdivision
13 ~~(5)(g)~~ (5)(h) or (9) of section 53-124.

14 Sec. 7. Section 53-131, Revised Statutes Supplement,
15 1999, is amended to read:

16 53-131. (1) Any person desiring to obtain a new license
17 to sell alcoholic liquor at retail, a bottle club license, or a
18 craft brewery license shall file with the commission:

19 (a) An application in triplicate original upon forms the
20 commission prescribes;

21 (b) The license fee if under section 53-124 such fee is
22 payable to the commission, which fee shall be returned to the
23 applicant if the application is denied; and

24 (c) The state registration fee in the sum of thirty
25 dollars.

26 (2) The commission shall notify, by registered or
27 certified mail, return receipt requested with postage prepaid, (a)
28 the clerk of the city or village in which such license is sought,

1 (b) if the license sought is a Class D-1 license, the clerk of the
2 city or incorporated village outside of whose corporate limits but
3 within whose extraterritorial zoning jurisdiction the applicant is
4 located, or, (c) if the license sought is not a Class D-1 license
5 and is not sought within a city or village, the county clerk of the
6 county in which such license is sought, of the receipt of the
7 application and shall enclose one copy of the application with the
8 notice. No such license shall be issued or denied by the
9 commission until the expiration of the time allowed for the receipt
10 of a recommendation of denial or an objection requiring a hearing
11 under subdivision (1)(a) or (b) of section 53-133. During the
12 period of forty-five days after the date of receiving such
13 application from the commission, the local governing body of such
14 city, village, or county may make and submit to the commission
15 recommendations relative to the granting or refusal to grant such
16 license to the applicant.

17 Sec. 8. Section 53-134, Revised Statutes Supplement,
18 1999, is amended to read:

19 53-134. The local governing body of any city or village
20 with respect to licenses within its corporate limits, the local
21 governing body of any city or incorporated village with respect to
22 Class D-1 licenses outside its corporate limits but within its
23 extraterritorial zoning jurisdiction, and the local governing body
24 of any county with respect to licenses other than Class D-1
25 licenses and not within the corporate limits of any city or village
26 but within the county shall have the following powers, functions,
27 and duties with respect to retail, bottle club, and craft brewery
28 licenses:

1 (1) To cancel or revoke for cause retail, bottle club, or
2 craft brewery licenses to sell or dispense alcoholic liquor issued
3 to persons for premises within its jurisdiction, subject to the
4 right of appeal to the commission;

5 (2) To enter or to authorize any law enforcement officer
6 to enter at any time upon any premises licensed under the Nebraska
7 Liquor Control Act to determine whether any provision of the act,
8 any rule or regulation adopted and promulgated pursuant to the act,
9 or any ordinance, resolution, rule, or regulation adopted by the
10 local governing body has been or is being violated and at such time
11 examine the premises of such licensee in connection with such
12 determination;

13 (3) To receive a signed complaint from any citizen within
14 its jurisdiction that any provision of the act, any rule or
15 regulation adopted and promulgated pursuant to the act, or any
16 ordinance, resolution, rule, or regulation relating to alcoholic
17 liquor has been or is being violated and to act upon such
18 complaints in the manner provided in the act;

19 (4) To receive retail license fees, bottle club license
20 fees, and craft brewery license fees as provided in section 53-124
21 and pay the same, after the license has been delivered to the
22 applicant, to the city, village, or county treasurer;

23 (5) To examine or cause to be examined any applicant or
24 any retail licensee, bottle club licensee, or craft brewery
25 licensee upon whom notice of cancellation or revocation has been
26 served as provided in the act, to examine or cause to be examined
27 the books and records of any applicant or licensee, and to hear
28 testimony and to take proof for its information in the performance

1 of its duties. For purposes of obtaining any of the information
2 desired, the local governing body may authorize its agent or
3 attorney to act on its behalf;

4 (6) To cancel or revoke on its own motion any license if,
5 upon the same notice and hearing as provided in section 53-134.04,
6 it determines that the licensee has violated any of the provisions
7 of the act or any valid and subsisting ordinance or regulation duly
8 enacted, adopted, and promulgated relating to alcoholic liquor.
9 Such order of cancellation or revocation may be appealed to the
10 commission within thirty days after the date of the order by filing
11 a notice of appeal with the commission. The commission shall
12 handle the appeal in the manner provided for hearing on an
13 application in section 53-133; and

14 (7) Upon receipt from the commission of the notice and
15 copy of application as provided in section 53-131, to fix a time
16 and place for a hearing at which the local governing body shall
17 receive evidence, either orally or by affidavit from the applicant
18 and any other person, bearing upon the propriety of the issuance of
19 a license. Notice of the time and place of such hearing shall be
20 published in a legal newspaper in or of general circulation in such
21 city, village, or county one time not less than seven and not more
22 than fourteen days before the time of the hearing. Such notice
23 shall include, but not be limited to, a statement that all persons
24 desiring to give evidence before the local governing body in
25 support of or in protest against the issuance of such license may
26 do so at the time of the hearing. Such hearing shall be held not
27 more than forty-five days after the date of receipt of the notice
28 from the commission, and after such hearing the local governing

1 body shall cause to be recorded in the minute record of their
2 proceedings a resolution recommending either issuance or refusal of
3 such license. The clerk of such city, village, or county shall
4 mail to the commission by first-class mail, postage prepaid, a copy
5 of the resolution which shall state the cost of the published
6 notice, except that failure to comply with this provision shall not
7 void any license issued by the commission. If the commission
8 refuses to issue such a license, the cost of publication of notice
9 shall be paid by the commission from the security for costs.

10 Sec. 9. Original sections 53-123.04, 53-124, 53-124.12,
11 and 53-124.14, Reissue Revised Statutes of Nebraska, section
12 53-122, Revised Statutes Supplement, 1998, and sections 53-103,
13 53-131, and 53-134, Revised Statutes Supplement, 1999, are
14 repealed.